



1 In this case, Cearley contends that his petition is timely because his conviction did  
2 not become final until the state court of appeals issued its mandate. Dkt. 14 at 2–3.  
3 Cearley is incorrect. “[F]or a state prisoner who does not seek review in a State’s highest  
4 court, the judgment becomes ‘final’ on the date that the time for seeking such review  
5 expires.” *Gonzalez v. Thaler*, 565 U.S. 134, 150 (2012). Cearley did not seek review in  
6 the Washington Supreme Court. Thus, his conviction became final when the time for  
7 seeking review in that court passed and not when the court of appeals issued its mandate.

8 Therefore, the Court having considered the R&R, Petitioner’s objections, and the  
9 remaining record, does hereby find and order as follows:

- 10 (1) The R&R is **ADOPTED**;
- 11 (2) Cearley’s petition is **DISMISSED** as time-barred;
- 12 (3) The Court **DENIES** a Certificate of Appealability; and
- 13 (4) The Clerk shall enter **JUDGMENT** in favor of Respondent and close this  
14 case.

15 Dated this 18th day of December, 2017.

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18 BENJAMIN H. SETTLE  
19 United States District Judge  
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